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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 GEORGE JASON HELM,

8 Petitioner,

9 v.

10 RON VAN BOENING,

11 Respondent.

No. C09-5569 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
HABEAS PETITION WITH PREJUDICE

12 This matter comes before the Court on the Report and Recommendation of the Magistrate  
13 Judge that Petitioner's request for habeas corpus relief be denied and the petition be dismissed.  
14 The Report and Recommendation finds that of the three grounds for relief raised by Petitioner,  
15 one claim is procedurally barred and the two remaining claims are without merit. The Petitioner  
16 has not filed objections to the Report and Recommendation.  
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18 The Court, having reviewed the petition for writ of habeas corpus, the response, the  
19 Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record,  
20 does hereby find and ORDER:  
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- 22 (1) The Court adopts the Report and Recommendation.
- 23 (2) Petitioner's writ of habeas corpus [Dkt. 4] is **DENIED** and this action is  
**DISMISSED WITH PREJUDICE**.
- 24 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
25 United States District Courts, a certificate of appealability is **DENIED** with  
26 respect to all three claims asserted by Petitioner in his habeas petition.

1 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
2 Respondent and to the Hon. Karen L. Strombom.

3 DATED this 29<sup>th</sup> day of January, 2010.  
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8 FRANKLIN D. BURGESS  
9 UNITED STATES DISTRICT JUDGE  
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